

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CONTEMPT PETITION NO.99/2017

IN

WRIT PETITION NO.6272/2015 (D)

Asha Nilkanth Mahakalkar and others

...Versus...

Shree Avinash Katade, Land Acquisition Officer & Sub-Divisional Officer, Mouda,
Distt. Nagpur and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P.S. Kshirsagar, Advocate for petitioners
Shri K.L. Dharmadhikari, AGP for respondent no.1
Shri V.G. Palshikar, Advocate for respondent no.2

CORAM : SMT. VASANTI A NAIK AND
ARUN D. UPADHYE, JJ.

DATE : 05.07.2017

By this contempt petition, the petitioners seek action against the respondent no.1 – Land Acquisition Officer for wilful disobedience of the directions in the order dated 15.3.2016 in Writ Petition No.6272/2015.

It is stated that though the respondent no.1 was directed to take a suitable decision on the representation of the petitioners for fixing appropriate compensation within three months, the respondent no.1 had not decided the same. It is however, fairly stated that during the pendency of the contempt petition, the respondent no.1 has taken the decision and the respondent no.1 has informed the V.I.D.C. that an amount of Rs.1,52,47,000/- is liable to paid to the petitioners.

Shri Dharmadhikari, the learned Assistant Government Pleader for the respondent no.1 states that the delay caused in calculating the amount was not deliberate or intentional and the same has occurred due to technical and administrative difficulties.

Shri Palshikar, the learned Counsel for the respondent no.2 states that the petitioners ought not have proceeded against the respondent no.2 in the contempt petition as the respondent no.2 was directed to release the amount payable to the petitioners within two months from the determination of the same. It is submitted that the respondent no.1 has informed the respondent no.2 on 27.6.2017 that the amount of Rs.1,52,47,000/- is liable to be paid to the petitioners towards compensation. It is stated that since this Court had granted two months' time to the respondent no.2 to release the amount in favour of the petitioners, the respondent no.2 would have time till 27.8.2017 to do the needful as per the directions of this Court.

In the circumstances of the case, it would not be proper to proceed with the contempt petition any longer. The respondent no.1 has determined the compensation, though a little belatedly. The respondent no.2 still has time till 27.8.2017 to release the amount in favour of the petitioners and the learned Counsel for the respondent no.2 states that within that time the said amount would be released in favour of the petitioners.

Hence, the contempt petition is disposed of with no order as to costs.

JUDGE

Wadkar

JUDGE